

TO AMEND THE DAYTON AVIATION HERITAGE PRESERVATION ACT OF
1992 TO ADD SITES TO THE DAYTON AVIATION HERITAGE NATIONAL
HISTORICAL PARK, AND FOR OTHER PURPOSES

JULY 8, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources, submitted
the following

R E P O R T

[To accompany H.R. 4199]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4199) to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**TITLE I—ADDITIONAL AREAS INCLUDED IN
DAYTON AVIATION HERITAGE NATIONAL
HISTORICAL PARK**

SEC. 101. ADDITIONAL AREAS INCLUDED IN PARK.

Section 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by adding at the end the following:

“(c) **ADDITIONAL SITES.**—In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled ‘Dayton Aviation Heritage National Historical Park’, numbered 362/80,013 and dated May 2008:

“(1) Hawthorn Hill, Oakwood, Ohio.

“(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.”.

SEC. 102. PROTECTION OF HISTORIC PROPERTIES.

Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww-1) is amended—

(1) in subsection (a), by inserting “Hawthorn Hill, the Wright Company factory,” after “, acquire”;

(2) in subsection (b), by striking “Such agreements” and inserting:

“(d) CONDITIONS.—Cooperative agreements under this section”;

(3) by inserting before subsection (d) (as added by paragraph 2) the following:

“(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming.”; and

(4) by striking “Commission” and inserting “Aviation Heritage Foundation”.

TITLE II—WRIGHT BROTHERS-DUNBAR NATIONAL HISTORICAL PARK DESIGNATION

SEC. 201. REDESIGNATION OF DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK.

(a) REDESIGNATION.—The Dayton Aviation Heritage Preservation Act of 1992, is amended—

(1) by striking “Dayton Aviation Heritage National Historical Park” each place it appears and inserting “Wright Brothers-Dunbar National Historical Park”;

(2) by redesignating subsection (b) of section 108 as subsection (c); and

(3) by inserting after subsection (a) of section 108 the following new subsection:

“(b) GRANT ASSISTANCE.—The Secretary is authorized to make grants to the parks’ partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park’s general management plan, and shall enhance public use and enjoyment of the park.”.

(b) REFERENCES.—Any reference in any law (other than this title), map, regulation, document, record, or other official paper of the United States to the “Dayton Aviation Heritage National Historical Park” shall be considered to be a reference to the “Wright Brothers-Dunbar National Historical Park”.

SEC. 202. NATIONAL AVIATION HERITAGE AREA.

Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108–447), is amended—

(1) in section 503(3), by striking “104” and inserting “504”;

(2) in section 503(4), by striking “106” and inserting “506”;

(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and

(4) in section 505(b)(1), by striking “106” and inserting “506”.

PURPOSE OF THE BILL

The purpose of H.R. 4199 is to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4199 adds two sites to the Dayton Aviation Heritage National Historical Park. The park, established in 1992, preserves sites associated with Wilbur and Orville Wright and the early development of aviation. The park also honors the life and work of African-American poet Paul Laurence Dunbar, a business associate and friend of Orville Wright.

H.R. 4199 allows the National Park Service (NPS) to enter into a cooperative agreement with the Wright Family Foundation, which currently owns Hawthorn Hill, the mansion designed by the Wright Brothers in Oakwood, Ohio. The cooperative agreement will provide for the operation of the mansion as a historic site and associated educational programing. H.R. 4199 also allows NPS and the

foundation to charge reasonable fees to cover costs of running the house and programs.

The bill also adds a second site, the Wright Company factory, to the park. The factory, completed in 1910, is the site of the first American facilities specifically designed and built for the manufacture of airplanes.

H.R. 4199 includes language (also contained in H.R. 4191, which passed the House of Representatives on March 5, 2008) changing the name of the park to the “Wright Brothers-Dunbar National Historical Park” and setting the conditions under which the Secretary of the Interior may make grants to the park’s partners. Under the bill, such grants must support the purposes of the park; be consistent with the park’s general management plan; and enhance public use and enjoyment of the park.

COMMITTEE ACTION

H.R. 4199 was introduced on November 15, 2007, by Representative Michael Turner (R-OH). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands.

The National Parks, Forests and Public Lands Subcommittee held a hearing on the bill on June 5, 2008. A representative of the Department of the Interior said the Administration would not support the bill unless it is amended to require a partner or partners to sign an operating agreement(s) for the development and operation of the two sites before the Interior Department could accept donation of the land. The witness also recommended deleting the grant authority section.

On June 11, 2008, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged from further consideration of H.R. 4199. Subcommittee Ranking Member Rob Bishop (R-UT) offered an amendment in the nature of a substitute to rename the park as “Wright Brothers-Dunbar National Historical Park,” and add a map reference. The amendment was adopted voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides

that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 4199—A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park

Summary: H.R. 4199 would add two sites to the Dayton Aviation Heritage National Historical Park and would rename the park the Wright Brothers-Dunbar National Historical Park. The bill also would authorize the National Park Service (NPS) to make grants to local organizations for construction projects on private property within park boundaries.

Based on information obtained from NPS and assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 4199 would cost \$15 million over the 2009–2013 period and \$1 million annually thereafter for ongoing operations. Enacting the legislation would not affect direct spending or revenues.

H.R. 4199 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4199 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2009	2010	2011	2012	2013	2009–2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	15	*	*	*	*	1
Estimated Outlays	2	3	4	4	2	15

Note: * = less than \$500,000.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted by the end of fiscal year 2008 and that the necessary amounts will be appropriated for each year. Estimated outlays are based on historical spending patterns for NPS programs.

H.R. 4199 would amend the Dayton Aviation Heritage Preservation Act of 1992 to add Hawthorn Hill and the Wright Company Factory to the Dayton Aviation Heritage National Historical Park. Based on information obtained from NPS, CBO expects that the current owners of Hawthorn Hill and the Wright Company Factory would donate those properties to NPS. CBO estimates that site development costs would be \$3 million for Hawthorn Hill and \$11 million for the Wright Company Factory. The Wright Family Foundation would continue to operate Hawthorn Hill under a cooperative agreement with NPS, which we estimate would contribute about \$1 million for that purpose over the five-year period. We expect that the Wright Company Factory would begin operations after 2013, at an annual cost of about \$1 million.

The bill also would authorize NPS to make grants to local partners for development and construction on nonfederal property within the boundaries of the Dayton Aviation Heritage National Historical Park. Based on information provided by NPS, CBO estimates that the cost of those grants would not be significant.

Intergovernmental and private-sector impact: H.R. 4199 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Deborah Reis and Jeffrey LaFave; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: MarDestinee Perez.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

HR. 4199 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

**DAYTON AVIATION HERITAGE PRESERVATION ACT OF
1992**

**TITLE I—[DAYTON AVIATION HERITAGE
NATIONAL HISTORICAL PARK]
WRIGHT BROTHERS-DUNBAR NA-
TIONAL HISTORICAL PARK**

**SEC. 101. ESTABLISHMENT OF THE [DAYTON AVIATION HERITAGE NA-
TIONAL HISTORICAL PARK] WRIGHT BROTHERS-DUNBAR
NATIONAL HISTORICAL PARK.**

(a) **ESTABLISHMENT.**—There is established, as a unit of the National Park System in the State of Ohio, the [Dayton Aviation Heritage National Historical Park] *Wright Brothers-Dunbar National Historical Park* (hereinafter in this Act referred to as the “park”).

(b) **AREAS INCLUDED.**—The park shall consist of the following sites, as generally depicted on a map entitled “[Dayton Aviation Heritage National Historical Park] *Wright Brothers-Dunbar National Historical Park*”, numbered 362–80,010 and dated September 1, 2000:

(1) * * *

* * * * *

(c) **ADDITIONAL SITES.**—*In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled “Dayton Aviation Heritage National Historical Park”, numbered 362/80,013 and dated May 2008:*

(1) *Hawthorn Hill, Oakwood, Ohio.*

(2) *The Wright Company factory and associated land and buildings, Dayton, Ohio.*

SEC. 102. PROTECTION OF HISTORIC PROPERTIES.

(a) **ACQUISITION OF PROPERTIES WITHIN THE PARK.**—Within the boundaries of the park the Secretary shall, subject to the availability of appropriated funds, acquire *Hawthorn Hill, the Wright Company factory*, the Wright Cycle Company Building and Hoover Block, and may acquire other properties, or interests therein, referred to in section 101(b), by donation, purchase with donated or appropriated funds, exchange, or transfer.

(b) **COOPERATIVE AGREEMENTS.**—The Secretary is authorized to enter into cooperative agreements with other Federal agencies, State and local public bodies, and private interests and organizations relating to the preservation, development, use, and interpretation of properties within the boundaries of the park in order to contribute to the appropriate use and management of such properties consistent with the purposes of this Act. [Such agreements]

(c) **COOPERATIVE AGREEMENTS.**—*The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming.*

(d) **CONDITIONS.**—*Cooperative agreements under this section shall provide, whenever appropriate, that—*

(1) * * *

(2) the Secretary may make such improvements to any such property as the Secretary deems necessary after consultation with the **Commission** *Aviation Heritage Foundation* to enhance the public use and enjoyment of such property and programs.

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SEC. 108. ASSISTANCE.

(a) * * *

(b) *GRANT ASSISTANCE.*—The Secretary is authorized to make grants to the parks’ partners, including the *Aviation Trail, Inc.*, the *Ohio Historical Society*, and *Dayton History*, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park’s general management plan, and shall enhance public use and enjoyment of the park.

[(b)] (c) *INTERPRETATIVE MATERIALS.*—The Secretary is authorized to publish interpretative materials for historic aviation resources in the Miami Valley.

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CONSOLIDATED APPROPRIATIONS ACT, 2005

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DIVISION J—OTHER MATTERS

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TITLE V—NATIONAL AVIATION HERITAGE AREA

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SEC. 503. DEFINITIONS.

For purposes of this title:

(1) * * *

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(3) *HERITAGE AREA.*—The term “Heritage Area” means the National Aviation Heritage Area established by section **104** 504 to receive, distribute, and account for Federal funds appropriated for the purpose of this title.

(4) *MANAGEMENT PLAN.*—The term “Management Plan” means the management plan for the Heritage Area developed under section **106** 506.

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SEC. 504. NATIONAL AVIATION HERITAGE AREA.

(a) * * *

(b) *BOUNDARIES.*—The Heritage Area shall include the following:

(1) * * *

[(2) The Neil Armstrong Air & Space Museum, Wapakoneta, Ohio.]

[(3)] (2) Sites, buildings, and districts within the core area recommended by the Management Plan.

* * * * *

SEC. 505. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) * * *

(b) DUTIES.—The management entity shall—

(1) develop and submit to the Secretary for approval the proposed Management Plan in accordance with section [106] 506;

* * * * *